

**MINUTES**  
**KENTUCKY BOARD OF PHARMACY**  
W.T. Young Library  
University of Kentucky  
Lexington, Kentucky  
March 7, 2001

**CALL TO ORDER:**

A regular meeting of the Kentucky Board of Pharmacy was held at the W.T. Young Library, University of Kentucky, in Lexington, Kentucky. President Conyers called the meeting to order at 9:13 a.m.

Members present: William A. Conyers III, Thomas S. Foster, Melinda C. Joyce, Joe Carr and Georgina Kindall-Jones. Rebecca Cooper did not attend. Staff present: Michael A. Moné, Executive Director; Jeffrey L. Osman, Pharmacy Inspections and Investigations Coordinator; Maxine Snively, Katie Busroe, and Philip C. Losch, Pharmacy and Drug Inspectors; Cheryl Lalonde-Mooney, Assistant Attorney General and Board Counsel, and Stacy Rankin, Executive Secretary. Guests: Danna Droz, Drug Control, Cabinet for Health Services; Ralph E. Bouvette, APSC; David Jaquith, CVS Pharmacies; and the third-year class of the University of Kentucky College of Pharmacy were also in attendance. Melody Curtis, Court Reporter, recorded the meeting.

**APPEARANCES:**

**Brian Fingerson.** Mr. Fingerson appeared to present an overview to the students and Board on the following topics: 1. Pharmacists Helping Fellow Pharmacists (HELP); 2. Impaired Pharmacists Committee; and 3. Kentucky Pharmacy Recovery Network.

**Pat DeLuca.** Dr. DeLuca appeared on behalf of Faith Pharmacy regarding packaging, storage and dispensing of medication for the charitable pharmacy. After discussion Dr. Foster moved for approval with contingent on Drug Controls approval. Ms. Jones seconded and the motion passed unanimously.

**MINUTES:**

On motion by Dr. Foster, seconded by Ms. Jones, the Minutes of December 13, 2000 were adopted. The motion passed unanimously.

On motion by Dr. Foster, seconded by Ms. Jones, the Minutes of January 10, 2001 were adopted. The motion passed unanimously.

On motion by Dr. Joyce, seconded by Ms. Jones, the Minutes of January 27, 2001 were adopted. The motion passed unanimously.

**BOARD REPORTS:**

**President.** President Conyers gave an overview of the upcoming APhA Annual Meeting he is to attend in San Francisco.

**Dr. Foster.** Dr. Foster presented the Board with the following Mission Statement: The Kentucky Board of Pharmacy serves the Commonwealth to promote, preserve, and protect the public health, safety, and welfare through effective regulation of the practice of Pharmacy. The Board of Pharmacy accomplishes this mission through examination, testing and credentialing of prospective pharmacist, regulation and discipline of all licensed pharmacists, and through appropriate communication of information and laws pertaining to the practice of Pharmacy in Kentucky. Mr. Carr moved for acceptance of the Mission Statement. Ms. Jones seconded and the motion passed unanimously.

**Executive Director.** Mr. Moné reviewed the MPJE State and National statistics. He explained the examination process with special emphasis on the oral component for the student audience. Also discussed was the NABP/AACP meeting scheduled 2002, to be held in Kentucky. Mr. Moné reviewed the condition of former Board Executive Director Richard L. Ross.

**CURRENT/PENDING CASES:**

**Case No. 00-0095A; Case No. 00-0141; Case No. 00-0143; 00-0145; Case No. 00-0146; Case No. 00-0149; Case No. 00-0151; Case No. 00-0158; Case No. 00-0162; and Case No. 01-0020.** Dr. Joyce moved for acceptance and

entry of the proposed Agreed Orders as written. Dr. Foster seconded and the motion passed unanimously.

### **Case Review Committee**

**Case No. 00-0160.** Pharmacist allegedly engaged in unprofessional conduct by committing a medication error and improper record keeping. CRC recommendation: Issuance of a Letter of Reprimand. Dr. Joyce seconded and the motion passed unanimously.

**Case No. 00-0163A.** Permit-holder allegedly engaged in unprofessional and unethical conduct by failing to perform prospective drug use reviews. CRC recommendation: Case closed.

**Case No. 00-0163B.** Pharmacist allegedly engaged in unprofessional and unethical conduct by failing to perform prospective drug use reviews. CRC recommendation for Complaint with attempt to resolve through A.O. Dr. Foster seconded and motion passed unanimously.

**Case No. 00-0163C.** Pharmacist allegedly engaged in unprofessional and unethical conduct by failing to perform prospective drug use reviews. CRC recommendation for Complaint with attempt to resolve through A.O. Mr. Carr seconded and motion passed unanimously.

**Case No. 00-165A.** Permit-holder allegedly failed to have an inspection prior to the facility relocating. CRC recommendation for Complaint with attempt to resolve through A.O. Dr. Foster seconded and motion passed unanimously.

**Case No. 00-165B.** Consultant pharmacist allegedly failed to have an inspection prior to the facility relocating. CRC recommendation for Complaint with attempt to resolve through A.O. Dr. Joyce seconded and motion passed unanimously.

**Case No. 00-0166.** Permit-holder allegedly delivered legend pharmaceuticals to an unlicensed facility and/or practitioner. CRC recommendation for Complaint with attempt to resolve through A.O. Ms. Jones seconded and motion passed unanimously.

**Case No. 00-0167.** Pharmacist allegedly engaged in unprofessional conduct by committing a medication error. CRC recommendation for Complaint with attempt to resolve through A.O. Dr. Joyce seconded and motion passed unanimously.

**Case No. 00-0168.** Pharmacist allegedly engaged in unprofessional conduct by refusing to fill a prescription for a patient. CRC recommendation: Case is dismissed. Mr. Carr seconded and motion passed unanimously.

**Case No. 00-0169.** Pharmacist allegedly engaged in unprofessional conduct by committing a dispensing error. CRC recommendation: Case is dismissed. Ms. Jones seconded and motion passed unanimously.

**Case No. 00-0170.** Permit-holder allegedly failed to timely notify the Board Office of pharmacist-in-charge change. CRC recommendation for Complaint with attempt to resolve through A.O. Dr. Foster seconded and motion passed unanimously.

**Case No. 00-0171.** Permit-holder allegedly failed to notify the Board Office of closure. CRC recommendation for Complaint with attempt to resolve through A.O. Dr. Joyce seconded and motion passed unanimously.

**Case No. 00-0172.** Permit-holder allegedly failed to notify the Board Office of closure or failed to timely renew permit. CRC recommendation for Complaint with attempt to resolve through A.O. Dr. Foster seconded and motion passed unanimously.

**Case No. 00-0173.** Pharmacist allegedly engaged in unprofessional conduct by committing a medication error. CRC recommendation for Complaint with attempt to resolve through A.O. Mr. Carr seconded and motion passed unanimously.

**Case No. 01-0001.** Permit-holder allegedly was operating a second location in different city without a Special Medical Gas Permit. CRC recommendation for Complaint with attempt to resolve through A.O. Dr. Foster seconded and motion passed unanimously.

**Case No. 01-0002.** Permit-holder allegedly was operating at least five (5) months without a Special Medical Gas Permit. CRC recommendation for Complaint with attempt to resolve through A.O. Dr. Joyce seconded and motion passed unanimously.

**Case No. 01-0003A.** Permit-holder allegedly engaged in unprofessional conduct by failing to maintain proper and adequate patient records, filling prescription without proper authorization, failing to provide adequate security of legend drugs and dispensing prescriptions based on forged prescriptions. Permit-holder further engaged in unprofessional conduct of a nature demonstrating a careless disregard for the health, welfare, or safety of their patients. CRC recommendation for Complaint with attempt to resolve through A.O. Dr. Foster seconded and motion passed unanimously.

**Case No. 01-0003B .** Pharmacist allegedly engaged in unprofessional conduct by failing to maintain proper and adequate patient records, filling prescription without proper authorization, failing to provide adequate security of legend drugs and dispensing prescriptions based on forged prescriptions. Pharmacist further engaged in unprofessional conduct of a nature demonstrating a careless disregard for the health, welfare, or safety of their patients. CRC recommendation for Complaint with attempt to resolve through A.O. Dr. Foster seconded and motion passed unanimously.

**Case No. 01-0003C.** Pharmacist allegedly engaged in unprofessional conduct by failing to maintain proper and adequate patient records, filling prescription without proper authorization, failing to provide adequate security of legend drugs and dispensing prescriptions based on forged prescriptions. Pharmacist further engaged in unprofessional conduct of a nature demonstrating a careless disregard for the health, welfare, or safety of their patients. CRC recommendation for Complaint with attempt to resolve through A.O. Mr. Carr seconded and motion passed unanimously.

**Case No. 01-0003D.** Pharmacist allegedly engaged in unprofessional conduct by failing to maintain proper and adequate patient records, filling prescription without proper authorization, failing to provide adequate security of legend drugs and dispensing prescriptions based on forged prescriptions. Pharmacist further engaged in unprofessional conduct of a nature demonstrating a careless disregard for the health, welfare, or safety of their patients. CRC recommendation for Complaint with attempt to resolve through A.O. Dr. Joyce seconded and motion passed unanimously.

**Case No. 01-0004.** Permit-holder allegedly failed to adhere to their 2000 Agreed Order (Case No. 99-0214). CRC recommendation for Complaint with attempt to resolve through A.O. Ms. Jones seconded and motion passed unanimously.

**Case No. 01-0005.** Permit-holder allegedly failed to renew their permit in a timely manner. CRC recommendation for Complaint with attempt to resolve through A.O. Ms. Jones seconded and motion passed unanimously.

**Case No. 01-0006.** Permit-holder allegedly failed to timely notify the Board Office of pharmacist-in-charge change. CRC recommendation for Complaint with attempt to resolve through A.O. Ms. Jones seconded and motion passed unanimously.

**Case No. 01-0007.** Pharmacist allegedly failed to complete required HIV/AIDS continuing education in 2000. CRC recommendation for Complaint with attempt to resolve through A.O. Dr. Foster seconded and motion passed unanimously.

**Case No. 01-0010.** Pharmacist allegedly engaged in unprofessional conduct by committing a medication error. CRC recommendation for Complaint with attempt to resolve through A.O. Dr. Joyce seconded and motion passed unanimously.

**Case No. 01-0012.** Pharmacist allegedly failed to complete required fifteen (15) hours of continuing education in 2000. CRC recommendation for Complaint with attempt to resolve through A.O. Ms. Jones seconded and motion passed unanimously.

**Case No. 01-0014.** Pharmacist allegedly failed to complete required fifteen (15) hours of continuing education in 2000. CRC recommendation for Complaint with attempt to resolve through A.O. Dr. Foster seconded and motion passed unanimously.

**Case No. 00-0015.** Permit-holder allegedly failed to timely notify the Board Office of an ownership change. CRC recommendation for Complaint with attempt to resolve through A.O. Dr. Joyce seconded and motion passed unanimously.

**Case No. 01-0016A.** Permit-holder allegedly failed to timely notify the Board Office of change of location. CRC recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation. Dr. Joyce seconded and motion passed unanimously.

**Case No. 01-0016B.** Permit-holder allegedly failed to timely notify the Board Office of change of location. CRC recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation. Dr. Foster seconded and motion passed unanimously.

**Case No. 01-0016C.** Pharmacist-in-charge allegedly failed to timely notify the Board Office of change of location. CRC recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation. Dr. Joyce seconded and motion passed unanimously. Dr. Joyce seconded and motion passed unanimously.

**Case No. 01-0017.** Permit-holder allegedly failed to timely notify the Board Office of an ownership change. CRC recommendation for Complaint with attempt to resolve through A.O. Dr. Joyce seconded and motion passed unanimously.

**Case No. 01-0018.** Intern allegedly engaged in unprofessional and unethical conduct by assisting in the forgery of a controlled substance prescription for another person. CRC recommendation: Case closed. Dr. Joyce seconded and motion passed unanimously.

**Case No. 01-0019.** Pharmacist allegedly failed to complete required HIV/AIDS continuing education in 2000. CRC recommendation for Complaint with attempt to resolve through A.O. Mr. Carr seconded and motion passed unanimously.

**Case No. 01-0020.** Permit-holder allegedly failed to timely report controlled substance data to Atlantic Associates. CRC recommendation for Complaint with attempt to resolve through A.O. Ms. Jones seconded and motion passed unanimously.

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**RECIPROCITY:**

**Robert E. Lewis.** The Board reviewed reciprocal application from Robert Lewis. Ms. Jones moved that Mr. Lewis be allowed to take the MPJE examination. Prior to licensure in Kentucky, request more information from the state of Ohio verifying all requirements have been fulfilled. Mr. Carr seconded and the motion passed unanimously.

**CORRESPONDENCE:**

**Christopher Good.** The Board reviewed letter requesting termination of probation per Agreed Order. After discussion, Dr. Joyce moved to terminate the terms of the probation. Dr. Foster seconded and the motion passed unanimously.

**Teresa Henderson (Ephraim McDowell).** The Board reviewed letter requesting approval to serve as PIC for four (4) entities of Ephraim McDowell Medical Center. After discussion, Dr. Joyce moved to grant request. Dr. Foster seconded and the motion passed unanimously.

**Kenneth Jones.** The Board reviewed the letter requesting full time employment. Dr. Joyce moved to approve request and motion was seconded by Ms. Jones. Motion passed unanimously.

**Melinda Joyce (The Medical Center).** The Board reviewed letter requesting approval for exemption for P06612 for reference books; equipment and compound area since P05119 are located in the same areas. Dr. Foster moved to approve request and motion was seconded by Ms. Jones. Motion passed unanimously. Dr. Joyce did not vote.

**Sheri Ash (Ten Broeck).** The Board reviewed letter requesting a waiver for Ten Broeck in-house dispensing pharmacy. After discussion Ms. Jones moved to approve request and motion was seconded by Dr. Joyce. Motion passed unanimously.

**LEGISLATION:**

Mr. Moné reviewed legislation regarding HIV/AIDS continuing education requirements.

**CONTINUING EDUCATION:**

Mr. Conyers moved to accept the continuing education programs 00-001 through

00-010 as recommended. Dr. Foster seconded and the motion passed unanimously.

**ADJOURNMENT:**

On motion by Mr. Carr, seconded by Dr. Foster and passed unanimously, President Conyers adjourned the meeting at 11:50 a.m. The next Board meeting is scheduled to begin at 9:00 a.m. on April 11, 2001, at the Board office in Frankfort.

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Michael A. Moné, Executive Director

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**MINUTES APPROVED APRIL 11, 2001.**